

Ahkām Ad-Diyār: Verification of the Cause for the Ruling Upon the Dār

The Evidence For This Division

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At-Tibyān Publications

The Second Issue: The Evidence For This Division

Some of the current day (people) have went to (the opinion) – such as Dr. Wahbah Az-Zuhaylī in his book “Āthār Al-Harb Fil-Fiqh Al-Islāmī” – that dividing the world into two Dārs has no basis from the Book and the Sunnah, rather it is only the Ijtihād of the Fuqahā' after the Prophetic Era and the Era of the Sahābah.

And it must be known that this division is had consensus formed upon it by the Scholars of the Ummah from the Salaf and the Khalaf. And that Ijmā' must return back to an evidence from the Book or the Sunnah, as was stated by Ibn Taymiyyah, may Allāh have mercy on him. Look to “Majmū' Al-Fatāwā”, 7/39. And here we will mention some of the evidence for this division:

1-So from the Book of Allāh, Ta'ālā: His, Ta'ālā's, statement,

نَّ فِي مَلَيْتَاوَقَالَ الَّذِينَ كَفَرُوا لِرُسُلِهِمْ لَنُخْرِجَنَّكُمْ مِّنْ أَرْضِنَا أَوْ لَنَعُودَنَّ

And those who disbelieved, said to their Messengers: “Surely, we shall drive you out of our land, or you shall return to our religion.” Ibrāhīm, 13

And His, Ta'ālā's, statement,

نُخْرِجَنَّكَ يَا شُعَيْبُ وَالَّذِينَ آمَنُوا مَعَكَ مِنْ قَرْيَتِنَا أَوْ لَنَعُودَنَّ فِي مَلَيْتَاوَقَالَ الْمَلَأُ الَّذِينَ اسْتَكْبَرُوا مِنْ قَوْمِهِ لَ

The chiefs of those who were arrogant among his people said: “We shall certainly drive you out, O Shu'ayb, and those who have believed with you from our town, or else you (all) shall return to our religion.” Al-A'rāf, 88

So the attribution in the two words “...our land...” and “our town...” – and it is an attribution of

the land and the town to the pronoun of the speakers "...our..." – it is an attribution of ownership. So "...our land..." and "...our town..." means the land of the disbelievers and the town of the disbelievers which the disbelievers own and which they control through ordering and forbidding and authority. And due to this, they threatened their Messengers. And this is the description of Dār al-kufr.

And His, Ta'ālā's, statement,

هُ فَهَاجِرُوا لَأَرْضٍ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً الَّذِينَ تَوْفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِيهَا

Verily! As for those whom the Angels take (in death) while they are wronging themselves, they (Angels) say (to them): "In what (condition) were you?" They reply: "We were weak and oppressed on Earth." They (Angels) say: "Was not the Earth of Allāh spacious enough for you to emigrate therein?" An-Nisā', 97

And His, Ta'ālā's, statement,

مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ فَإِنْ عَلِمْتُمُوهُنَّ بِمَا آيَاهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ

O you who Believe! When Believing Women come to you as emigrants, examine them, Allāh knows best as to their Faith, then if you ascertain that they are Believers, send them not back to the disbelievers Al-Mumtahinah, 10

And His, Ta'ālā's, statement,

وَالَّذِينَ آمَنُوا وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا

And as to those who Believed but did not emigrate (to you O Muhammad, هيلع مللا ىلص on ewo uoy و سلم), duty of protection to them until they emigrate Al-Anfāl, 72

So these Texts which are specifically regarding Hijrah indicate the two Dārs; Dār Al-Islām and Dār al-kufr, with a clear indication. As Hijrah, if it is mentioned unrestricted in the Texts of the Shara', means moving from Dār al-kufr to Dār Al-Islām.

And from the Texts regarding this also is His, Ta'ālā's, statement,

سَأُرِيكُمْ دَارَ الْفَاسِقِينَ

I shall show you the home of Al-Fāsiqīn Al-A'rāf, 145

2-And from the Sunnah: The Ahādīth that are narrated regarding the obligation of Hijrah. And they indicate the division of the world into two Dārs. And from them are the Ahādīth mentioned in the first issue. And from them are his, هيلسو هيلع مللا ىلص's statement, "Every Muslim is sacred to the Muslim; Two supporting Brothers. Allāh, 'Azza Wa Jall, will not accept an action from a mushrik after he enters into Islām until he leaves the mushrikīn for the Muslims." Narrated by An-Nasā'ī with a "Hasan" chain from Bahz Ibn Hakīm, from his father, from, his grandfather. 1

And in addition to the Texts regarding the obligation of Hijrah, then from the Texts which

indicate this division:

- From Ibn ‘Umar, may Allāh be pleased with them both, “That the Messenger of Allāh, ﷺ ilevart dibrof ﷺ with the Qur’ān to the land of the enemy.” Agreed upon.

- And from them is the Hadīth of long Ibn ‘Abbās regarding the stoning, and in it (there) is that ‘Abdur-Rahmān Ibn ‘Awf said to ‘Umar Ibn Al-Khattāb at Minā, “So go slowly until you reach Al-Madīnah, as it is the Dār of the Hijrah and the Sunnah.” The Hadīth. Narrated by Al-Bukhārī 6830.

- And from them is that which An-Nasā’ī narrated with an authentic chain of narration from Ibn ‘Abbās, may Allāh be pleased with them both, who said, “Verily the Messenger of Allāh, ﷺ eht denodnaba yeht esuaceb ,nīrijāhuM eht morf erew ramU’ dna rkaB ūbA ﷺ mushrikīn. And from the Ansār were Muhājirūn, because Al-Madīnah was a Dār of shirk, so they came to the Messenger of Allāh, ﷺ, on the Night of Al-‘Aqabah.” 2

- And from them is the Hadīth of Abū Hurayrah, regarding the story of his Hijrah. He said, “When I came to the Prophet, ﷺ, I said on the way,

‘O (what a) night from its length and its toil despite it having saved (me) from Dārat al-kufr

He said, ‘And a slave of mine ran away from me on the way.’ He said, ‘So when I came to the Prophet, ﷺ, then I gave him Bay’ah. Then while I was with him, the slave appeared. So the Messenger of Allāh, ﷺ si siht ,haryaruH ūbA O’ ,em ot dias ﷺ your slave.’ So I said, ‘He is free for the Face of Allāh.’ So I freed him.” Narrated by Al-Bukhārī 4393. Ibn Manthūr said, “And the Dārah is a phrasing for Dār.” “Lisān Al-‘Arab”, 4/298, pub. Dār Sadār.

- And from them is the Hadīth of ‘Ā’ishah in the story of the slave girl who made Hijrah and was accused regarding the scarf, and in it there is from ‘Ā’ishah, may Allāh be pleased with her, that (there was) a slave girl of one of the regions of the Arabs, who was black, then they freed her, so she was with them. She said, ‘So a young girl of theirs went out, upon whom was a red scarf of leather strings.’ She said, “So she took it off – or it fell from her – then small buzzard passed by it while it was placed (on the ground) so it thought it was meat, so it grabbed it.” She said, “So they searched for it, but they did not find it.” She said, “So they accused me concerning it.” She said, “So they set about searching for it, until they searched her front.” She said, “By Allāh I was standing with them when the small buzzard passed by then threw it.” She said, “So (discussion) took place amongst them.” She said, “So I said, ‘This is what you accused me regarding which you claimed, and I am free from it, and there it is.’” She said, “So she came to the Messenger of Allāh, ﷺ, then entered Islām.” ‘Ā’ishah said, “So she had a tent in the Masjid or a Hifsh.” 3 She said, “So she used to come to me and speak with me.” She said, “So she would not sit a sitting with me except that she said,

And the Day of the Scarf was from the wonders of our Lord Verily from the town of kufr it saved me

‘Ā’ishah said, “So I said to her, ‘What is your matter, you do not sit a sitting with me except that you say this?’” She said, “So she narrated this Hadīth to me.” Narrated by Al-Bukhārī, Hadīth 439. And the town of kufr is Dār al-kufr, as was stated by Ibn Hajr in his Sharh, “And in it is the virtue of Hijrah from Dār al-kufr.” “Fat’h Al-Bārī”, 1/535.

So these Texts indicate that the division of the world into two Dārs; Dār Al-Islām and Dār al-kufr is confirmed with the Book and the Sunnah, and is narrated from the Sahābah. And that Hijrah is obligatory from the second to the first. Rather, the specific terminologies for these Dārs were narrated in the Book and the Sunnah, in the past Texts, with different phrasings, such as: Dār Al-Fāsiqīn (Home of Al-Fāsiqīn), Ardḥ Al-‘Adū (Land of the Enemy), Dār Al-Hijrati Was-Sunnah (Dār of the Hijrah and the Sunnah), Dār shirk (Dār of shirk), Dārat al-kufr (Dār of kufr), Baldat al-kufr (Town of kufr). And all of this is in the refutation against those who claim that the division of the world into two Dārs is a matter which the Fuqahā’ invented through their Ijtihād.

1-Trans. Note: Also narrated by Ahmad in a longer Hadīth, and Ibn Mājah with only the last sentence about Hijrah. They were declared “Hasan” by Al-Albānī in “Irwā’ Al-Ghalīl”, Vol. 5/32, “Silsilat Al-Aḥādīth As-Sahīhah”, #369, “Sahīh Ibn Mājah”, #2071, “Sahīh Al-Jāmi’ As-Saghīr”, #7748 and “Sahīh An-Nasā’ī”, #2567.

2-Trans. Note: Declared “Sahīh” by Al-Albānī in “Sahīh An-Nasā’ī”, #4177.

3-Trans. Note: A Hifsh is a small, constricted home, as was mentioned by Ibn Hajr in his Sharh of this Hadīth.

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Ahkām Ad-Diyār: The Basis For the Division of the World Into Two States

Posted by tibyan at [01:37](#)

The Basis For the Division of the World Into Two States

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The First Topic:

Ahkām Ad-Diyār

And there are five issues within it:

- 1-The Basis for the division of the world into two states
 - 2-The evidence for this division
 - 3-Definition of Dār Al-Islām and Dār al-kufr
 - 4-The Altering of the description of the Dār
 - 5-The Rulings which are based upon the difference of the Diyār
- And this is a condensed explanation of these issues:

The First Issue: The Basis for the division of the world into two states

Know that basis for the division of the world into two states – Dār Al-Islām and Dār al-kufr – is the generality of the sending of the Prophet, و سلم, A .elohw a sa elpoep eht ot , his generality of area to all of the people of the world, and a generality of era from the time of his, صلى الله عليه وسلم, gnidnes s , his sending and his open declaration of his, و سلم, s Da'wah , the creation divided into Believers in him and disbelievers. Then Allāh, Ta'ālā, obligated Hijrah upon the Believers away from amongst the disbelievers, and Allāh predestined supporters for them in Al-Madīnah, so it became Dār Al-Hijrah and the gathering place of the Muhājirīn. And in it, the Messenger of Allāh, و سلم, founded the Dawlah of Islām . And the obligation of migrating to Al-Madīnah remained established until the Conquering of Makkah. And the obligation of Hijrah remained upon every Muslim who lives amongst the disbelievers. So with that, the Diyār became distinct into Dār Al-Islām, and it is the gathering place of the Muslims and the place of their authority and their rule. And Dār al-kufr, and it is the gathering place of the disbelievers and the place of their authority and their rule. Then Allāh obligated fighting the kuffār upon the Believers until the Establishment of the Hour, so their Dār was also called Dār Al-Harb.

As for the evidence for that:

Then the evidence for the generality of his, و سلم, s sending is much. From it: His, Ta'ālā's, statement,

تَبَارَكَ الَّذِي نَزَّلَ الْفُرْقَانَ عَلَى عَبْدِهِ لِيَكُونَ لِلْعَالَمِينَ نَذِيرًا

Blessed be He Who sent down the Criterion (of right and wrong, i.e. this Qur'ān) to His slave (Muhammad, و سلم) that he may be a Warner to the 'Alamīn (Mankind and Jinn). Al-Furqān, 1

And He, Ta'ālā, stated,

يَعَاذِلْ يَا أَيُّهَا النَّاسُ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ جَمًّا

Say (O Muhammad, و سلم): O mankind! Verily, I am sent to you all as the Messenger of Allāh Al-A'rāf, 158

And He, Ta'ālā, stated,

وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِلنَّاسِ بَشِيرًا وَنَذِيرًا

And We have not sent you (O Muhammad, ﷺ) except as a Giver of Glad Tidings and a Warner to all Mankind Saba', 28

And He, Ta'ālā, stated,

إِنَّا عَلَى الْبَلَاءِ مُتَمَرِّضُونَ وَالَّذِينَ آمَنُوا وَلِلَّذِينَ آمَنُوا وَإِنْ تَوَلَّوْا

And say to those who were given the Scripture (Jews and Christians) and to those who are illiterates (Arab pagans): “Do you (also) submit yourselves (to Allāh in Islām)?” If they do, they are rightly guided; but if they turn away, your duty is only to convey the Message Āl ‘Imrān, 20

And He, Ta'ālā, stated,

وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

And whoever seeks a religion other than Islām, it will never be accepted of him, and in the Hereafter he will be one of the losers. Āl ‘Imrān, 85

And the likes of that from the Verses. And the Messenger of Allāh, ﷺ, stated, “I was given five (things); None one from the Prophets before me were given them: I was given victory through fear for the distance of a month. And the Earth was made as a Masjid and (a means of) purification for me, and any man from my Ummah who is reached by Salāt, then he may pray. And spoils of war were permitted for me. And the Prophet used to be sent specifically to his people, and I was sent to the people generally. And I was given the Shafā’ah.” Narrated by Al-Bukhārī from Jābir, may Allāh be pleased with him. And the generality of the sending is from that which is known by necessity on the Religion.

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Ahkām Ad-Diyār: More Shar’ī Rulings Which Are Based Upon The Difference Of The Diyār

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More Shar’ī Rulings Which Are Based Upon The Difference Of The Diyār

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2-And from the rulings that are based upon the difference of the Diyār: The Obligation of battling the kuffār in their state, and it is Jihād At-Talab. He Ta'ālā, said,

يَا أَيُّهَا الَّذِينَ آمَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ

O you who Believe! Fight those of the disbelievers who are close to you At-Tawbah, 123

And the scholars have stated that the least that it is done by the Imām of the Muslims, battling the kuffār in their countries is once a year. Look to “Al-Mughnī Wash-Sharh Al-Kabīr”, 10/367-368. And I have extracted this number from His, Ta'ālā's, statement,

ثُمَّ لَا يَتُوبُونَ وَلَا هُمْ يَذْكُرُونَ أَوْ لَا يَرَوْنَ أَنَّهُمْ يُقْتَلُونَ فِي كُلِّ عَامٍ مَرَّةً أَوْ مَرَّتَيْنِ

See they not that they are tried once or twice every year (with different kinds of calamities, disease, famine, etc.)? Yet, they turn not in repentance, nor do they learn a lesson (from it). At-Tawbah, 126

And I mentioned how the Verse indicates that in my book “Al-‘Umdah”.

3-And from the rulings based (upon the differences of Diyār): Looking to the default ruling of the Dār, concerning one whose condition is unknown when it is impossible to clarify his reality, as I mentioned in “The Ruling Of The One Whose Condition Is Unknown”.

4-And from the rulings of Dār al-kufr: The obligation of clarifying when purchasing meat, as I mentioned in “The Ruling of the One Whose Condition Is Unknown”. And from its rulings is the permissibility of executing the apostate who is resisting in Dār al-kufr, and taking what he has with him from wealth, without Istitābah, as I mentioned in “The Explanation of the Rule of Takfīr”.

This, and the Ahnāf have based many rulings upon the differences of the two Dārs, which the majority of the Fuqahā' did not comply with them on. And from them:

- The permissibility of taking Ribā from the Harbīs in Dār Al-Harb, with their satisfaction. Look to “As-Siyar Al-Kabīr”, 4/1486, and what follows. And some of the contemporary (people) based the permissibility of the Muslim placing his money in foreign banks and taking interest – Ribā – upon that. And the opinion of the Ahnāf is outweighed, rather invalid. Look, concerning this, to “Al-Mughnī Wash-Sharh Al-Kabīr”, 4/162-163, “Al-Majmū”, by An-Nawawī, 9/391-392, “Al-Umm”, by Ash-Shāfi'ī, 7/357-358, and “Kash'shāf Al-Qinā”, by Al-Bahūtī, 3/271.
- And from them is the Hudūd not being applicable to the Muslim if he commits (something that s deserving of) a Hadd , in Dār Al-Harb. Look to “As-Siyar Al-Kabīr”, 5/1851. And the majority are in contradiction with that. Look to “Al-Umm”, 7/356-359.
- And from them is that if the kāfirah enters Islām and performs Hijrah from Dār Al-Harb, the separation takes place between her and her kāfir husband who resides in Dār Al-Harb by her Hijrah alone. And the majority stated: It is a must for her to menstruate and become pure, or to give birth to her pregnancy, then she is permissible for marriage. And if her husband enters Islām and joins her, and she has not been married, she is returned to him by the first marriage. Look to “Ahkām Ahl Ath-Thimmah” by Ibn Al-Qayyim, 1/363-364.
- And from them is the cutting off of inheritance by the separation of the two Dārs. So if a Kitābī dies in Dār Al-Islām, then his relative who resides in Dār Al-Harb does not inherit from him.

And the majority stated; He inherits from him. Look to “Ahkām Ahl Ath-Thimmah” by Ibn Al-Qayyim, 2/444.

And in general, the Ahnāf have based many rulings upon the difference of the two Dārs, most of which are incorrect.

This, and the topic of Ahkām Ad-Diyār is considered from the topics that has been subject to severe distortion in this era from those who claim (the right of) Ijtihād, from those who were influenced by the orientalist, and who spun their circles to try to comply between the Laws of Islām and the laws of the kuffār, especially that from them which are called International Laws and United Nations Resolutions, and other than that; those which call to that which is called “The Peaceful Existence Between Peoples, and the Forbiddance of Offensive Wars”. And all of it is trickery with which they fool the weak Islāmic Nations, so that the strong stays strong and the weak stays weak. Then if the Muslims one day strive to perform Jihād against the kuffār, they are accused of violating the international laws and are deserving of international punishments. And from that which the kuffār resorted to in order to misguide and fool the Muslims was to distort the Laws of Islām, especially those that related to Jihād. And looking to the tight tie between Ahkām Ad-Diyār and Jihād, this topic has attained its share of distortion. He, Ta’ālā, stated,

وَمَا يُضِلُّونَ إِلَّا أَنْفُسَهُمْ وَمَا يَشْعُرُونَ وَدَّتْ طَائِفَةٌ مِّنْ أَهْلِ الْكِتَابِ لَوْ يُضِلُّوكُمْ

A party of the people of the Scripture (Jews and Christians) wish to lead you astray. But they shall not lead astray anyone except themselves, and they perceive not. Āl ‘Imrān, 69

And from this distortion – the seed of which was planted by the orientalist, then its supervision was inherited by some of those who claim (the right of) Ijtihād– is their statement that dividing the world into two Dārs has no basis. And their statement that the countries of the kuffār are not labeled Dār Harb unless war actually takes place between it and the Muslims, and as long as it does not take place, and the Sulh is what is prevailing then there is no Dār Harb. And their statement that the conquering by the kuffār and them openly displaying the laws of kufr in the countries of the Muslims does not make it Dār kufr as long as the Muslims openly display the symbols of their Religion, then it is Dār Islām. And as long as it is like that, then there is no Jihād in Dār Al-Islām. And other than that from the distortions with which the misguidance of the Muslims and turning them away from their Religion is intended, And we have clarified its corruption in that which has past.

And this is the last of what I will mention concerning Ahkām Ad-Diyār, and with Allāh, Ta’ālā, is the granting of success.

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[Ahkām Ad-Diyār: Some Shar’ī Rulings Relevant to Living in the Countries of the Original Kuffār](#)

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Some Shar’ī Rulings Relevant to Living in the Countries of the Original Kuffār

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e) And whoever travels to the lands of the kuffār for a permissible reason, then the majority of the People of Knowledge have disliked him to get married in their countries. And if desire overpowers him and he fears Zinā on himself, then he must marry a Muslimah if possible, otherwise a Kitābiyyah. And in any case, he should perform ‘Uzlah his wife out of fear for his children growing up upon the religion of the kuffār and that he might take on their characteristics. Look to “Al-Mughnī Wash-Sharh Al-Kabīr”, 10/510, “As-Siyar Al-Kabīr” by Muhammad Ibn Al-Hasan, 5/1838, and “Ahkām Ahl-Ath-Thmmah” by Ibn Al-Qayyim, 2/431. And reality bears witness to that which the Fuqahā’ of the Salaf warned against. As the laws of the kuffār grant freedom to women and children which prevent raising them with and Islāmic upbringing. And the woman from them has the right to keep her children with her if the Muslim husband wants to leave their countries. And I know an incident of a Muslim man who was married to an American Christian woman in America and he had three children. Then the man died, so the wife began to convert his children to Christianity, and the family of the man – who were outside of America – failed in saving his children.

f) And whoever enters the countries of the kuffār with security from them, then it is not allowed for him to betray them with regards to their selves and their wealth, due to His, Ta’ālā’s, statement,

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا

And fulfill (every) covenant. Verily! the covenant, will be questioned about. Al-Isrā’, 34

And Abul-Qāsim Al-Khiraqī said in his “Mukhtasar”, “And whoever enters the land of the enemy, and with security, he does not betray them in their wealth and does not interact with them with usury.” Ibn Qudāmah said in his explanation, “As for the prohibition of usury in Dār Al-Harb, then we have mentioned it in (The Book of) Usury, while the Statement of Allāh, Ta’ālā,

وَحَرَّمَ الرِّبَا

...and He forbid Ribā (usury).

...and the rest of the Verses and narrations which indicate the prohibition of usury are general (and) they include usury in ever place and time. As for their betrayal, then it is forbidden, because they only gave him security conditional upon him abandoning betraying them, and him giving them security from himself, even if that is not mentioned in the phrasing, then it is known in the meaning. And due to that, whoever comes to us from them with security, then he betrays us, then he is (considered) someone who broke his covenant. So if this is confirmed, then it is not allowed for him to betray them, because it is a breach (of trust). And breach (of trust) is not correct in our Religion. And the Prophet ﷺ, has said, “The Muslims are at

their conditions.” 1 So if he betrays them, steals from them or borrows something, it is obligatory upon him to return that which he took to its owners. Then if its owners come to Dār Al-Islām with security or Īmān, he returns it to them, otherwise he sends it to them, because he took it through a way by which it was prohibited upon him to take it. So it is necessary upon him to return that which he took, just as if he took it from the wealth of a Muslim.” “Al-Mughnī Wash-Sharh Al-Kabīr”, Vol. 10/515-516

I say: And are the entry permission papers – the visa – which a Muslim receives in order to enter the countries of the original kuffār considered a security contract? And the answer: Is that that which seems apparent to me is that it is like that. Because the Muslim, if he enters their countries, they give him security in his self and his wealth, and if anyone transgresses upon him in his self or his wealth, then they would show concern and they would judge for him which compensation for the affliction and they would return the stolen wealth to him, just as they show concern for the children of their religion. And this indicates that the Muslim is respected in his self and his wealth in their countries, and this is the essence of the security contract. So it is obligatory to interact with them in like kind, so he gives them security concerning their selves and their wealth. He, Ta’ālā, said,

فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ

So long, as they are true to you, stand you true to them. At-Tawbah, 7

And even if he entered into their countries with a forged visa which they assumed was valid, then it would be obligatory upon him to fulfill it. And Muhammad Ibn Al-Hasan Ash-Shaybānī, may Allāh be merciful to him, gave examples of this, so review them in his book “As-Siyar Al-Kabīr”, Vol. 2/507-508. And this ruling is specific to the Muslim entering the countries of the original kuffār, and the place for the elaboration on this topic is the book “As-Siyar Al-Kabīr”, which was mentioned. But if one of the kuffār enters the countries of the Muslims which are Diyār kufr and riddah today, then he doesn’t enter it except after attaining entry permission papers – the visa – from the ruling authorities in these countries, and this is not considered a covenant of security for him which protects his blood and his wealth in these countries, due to this security being issued by a murtadd kāfir, and it is the ruling apostate authority which has no Shar’ī authority over the Muslims. And the security of a kāfir to a kāfir is not binding upon the Muslim. But if one of the kuffār entered these countries based upon an invitation from a Muslim – even if he is a Fāsiq – then this is considered a Shar’ī security for him, (and) it is obligatory upon the Muslims to respect it, due to his, ص fo noitcetorp ehT”, tnetats س، ءلله لى الله عليه وسلم، the Muslims is one. So whoever betrays a Muslim, then upon him is the Curse of Allāh, the Angels and people collectively. No Sarf (Obligatory Act) will be accepted from him nor any ‘Adl (Voluntary Act).” The Hadīth, narrated by Al-Bukhārī. And the meaning of betrays is nullifies his covenant. And the meaning of the Hadīth is that the security of any Muslim is binding upon all of the Muslims, (and) it is obligatory upon them to respect it. So if a Muslim gives security to a kāfir, it is forbidden upon the Muslims to have a confrontation with him. Look to “Fat’h Al-Bārī”, 4/86. And it is known that even in this condition he will not enter the countries except with (entry) permission papers from the authorities, and this does not have an effect upon the aforementioned ruling, due to his, ص، ءلله لى الله عليه وسلم،’s statement, “Islām is dominates and is not dominated.” 2 This, and Allāh, Ta’ālā, knows best.

So these are some of the rulings which branch out from the obligation of Hijrah, and that which

is excluded from it from the permissible travel to the lands of the kuffār.

1-Trans. Note: Narrated with this phrasing as well as with the word “...upon...” in place of “...at...”. This was narrated by At-Tirmithī, Abū Dāwūd, Mālik and others. There is a difference of opinion concerning their authenticity, with the majority mentioning that they are defective.

2-Trans. Note: This Hadīth was narrated by Ad-Dāraqutnī in his “Sunan”, Al-Bayhaqī, Ar-Rūyānī in his “Musnad”, and Adh-Dhiyā’ Al-Maqdisī in “Al-Ahādīth Al-Mukhtārah”, all from ‘Ā’ith Ibn ‘Amr Al-Muzanī. It was also narrated by At-Tabarānī in “Al-Mu’jam As-Saghīr”, and Al-Bayhaqī in “Dalā’il An-Nubuwwah”, both from ‘Umar Ibn Al-Khattāb. A third narration was narrated by Nahshal in “Tārīkh Wāsīt” from Mu’āth Ibn Jabal. All of these narrations are weak and defective, and are not strong enough to strengthen each other. There is a “Mawqūf” narration from Ibn ‘Abbās that is authentic to him, narrated by At-Tahāwī. All of these narrations have slight differences in wording or length of narration. Look to “Irwā’ Al-Ghalīl”, Vol 5/106, for a detailed discussion, aside from Shaykh Al-Albānī strengthening the “Marfū” narration based on these numerous chains.

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Ahkām Ad-Diyār: The Shar’ī Rulings On The Oaths of Citizenship Taken in the Countries of the Original Kuffār

Posted by tibyan at [01:34](#)

The Shar’ī Ruling On The Oaths of Citizenship Taken in the Countries of the Original Kuffār

Shaykh Abdul-Qādir Bin Abdil-Azīz

At-Tibyān Publications

This, and one of the Muslims had asked me about the issue of attaining citizenship in the countries of the original kuffār. And the end result of the issue is that the Muslim who resides in their countries, if he fulfills specific conditions, it is allowed for him to seek citizenship, and that he is not awarded it until he swears an oath of allegiance to the state, (and) that he will comply with their laws, that he will not harm it, that he will defend it, and the likes of that. So I answered him that this oath is clear kufr, and whoever says it without compulsion has disbelieved. So if he abides by that, by taking his judgment to the tāghūt voluntarily – and here it is the laws of the kuffār – and if he abides by that, he disbelieves. And this is contrary to the laws of kufr which are forced upon him despite his (dislike) in the Diyār of riddah. Just as after he receives citizenship, he – or his children – are obliged to serve in the army of the kuffār and to go out in their fighting, and this is a cause for disbelieve because it is fighting in the path of the tāghūt. And He, Ta’ālā, stated,

وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ فِي سَبِيلِ الطَّاغُوتِ

...and those who disbelieve, fight in the cause of the tāghūt (An-Nisā', 76)

And in general, this oath is allegiance which removes one from Islām. And the clarification of the meaning of Muwālāt will come in the refutation of the book, “Ar-Risālah Al-Līmāniyyah Fil-Muwālāt”. And the questioner said to me, ‘Say for example, a man knew this ruling, and he said that he will disbelieve for five minutes during the time of performing the oath, then he will repent.’ So I answered him that if he said that he will disbelieve for the time of him performing the oath, he has disbelieved with this statement of his, even if he does not perform the oath. As the ‘Ulamā’ have not differed concerning that the one who intends kufr in the future, disbelieves in the present. And I narrated this in the explanation of the rule of Takfīr from the author of “Kifāyat Al-Akhyār”, 2/123, his statement, “And if he says, ‘If my son dies, I will convert to Judaism’ or ‘I will convert to Christianity’ he disbelieves in the moment.” End quote. 1 And what tells him that he will live to repent, as he may die or be afflicted by insanity at the time, and (the chance for) repentance will be slip away from him. And He, Ta’ālā, has stated,

وَمَكَرُوا وَمَكَرَ اللَّهُ وَاللَّهُ خَيْرُ الْمَاكِرِينَ

And they plotted, and Allāh planned (too). And Allāh is the Best of the planners. (Āl ‘Imrān, 54)

And He, Ta’ālā, stated,

يَشْعُرُونَ أَقَامِينَ الَّذِينَ مَكَرُوا السَّيِّئَاتِ أَنْ يَخْسِفَ اللَّهُ بِهِمُ الْأَرْضَ أَوْ يَأْتِيَهُمُ الْعَذَابُ مِنْ حَيْثُ لَا

Do then those who devise evil plots feel secure that Allāh will not sink them into the earth, or that the torment will not seize them from directions they perceive not? (An-Nahl, 45)

And in general, attaining citizenship which is tied to this oath is not allowed. And the Shaykh Hamad Ibn ‘Atīq An-Najdī stated, “That he complies with them – meaning the kuffār – outwardly while contradicting them inwardly, and he is not under their power, but all that carried him to do that was either hope for authority, wealth, stinginess concerning (his) nation or family, or fear from that which will take place in the future, then at this time he would be an apostate, and his inward hate for them does not benefit them. And he is from those whom Allāh said about them,

أَفَرِيضَ لَكَ بِأَنَّهُمْ اسْتَحَبُّوا الْحَيَاةَ الدُّنْيَا عَلَى الْآخِرَةِ وَأَنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الْكَافِرِينَ

That is because they loved and preferred the life of this world over that of the Hereafter. And Allāh guides not the people who disbelieve. (An-Nahl, 107)”

From his letter, “Bayān An-Najāti Wal-ikāk Min Muwālāt Al-Murtaddīn Wa Ahl Al-Ishrāk” within “Majmū’at At-Tawhīd” Pub. Dār Al-Fikr, pg. 418

And Shaykh Al-Islām Muhammad Ibn ‘Abdil-Wahhāb said, “If the Muwālāt is by living with them – meaning the kuffār – in their states and going out with them in their fighting and the likes of that, then the one performing it is judged upon with kufr, as He, Ta’ālā, stated,

وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ

And if any amongst you takes them as Awliyā’, then surely he is one of them. (Al-Mā’idah, 51)”

From his letter “Awthaq ‘Ural-Īmān” within “Majmū’at At-Tawhīd”, pg. 175. This, and Allāh Ta’ālā, knows best.

1-Trans. Note: The full name of the book is “Kifāyat Al-Akhyār Fī Halli Ghāyat Al-Ikhtisār”. It is a book of Shāfi’ī Fiqh. The author is Taqiyyuddīn Abī Bakr Ibn Muhammad Al-Husaynī.

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Ahkām Ad-Diyār: The Shar’ī Rulings Which Are Based Upon The Difference Of The Diyār

Posted by tibyan at [01:31](#)

The Shar’ī Rulings Which Are Based Upon The Difference Of The Diyār

Shaykh Abdul-Qādir Bin Abdil-Azīz

At-Tibyān Publications

The Fifth Issue: The Shar’ī Rulings Which Are Based Upon The Difference Of The Diyār

The Shar’ī Rulings which are based upon the differences of the Diyār are the fruits of research in this topic, and Ash-Shawkānī has said, “Know that entering into mentioning Dār Al-Islām and Dār al-kufr is of very little benefit, due to what we have presented to you earlier from the discussion regarding Dār Al-Harb, and the Harbī kāfir is permissible in his blood and wealth in any situation as long as he has not been given security from the Muslims. And that the wealth of the Muslim and his blood are both protected by the protection of Islām, in Dār Al-Harb and elsewhere.” “As-Sayl Al-Jarrār”, 4/576. And despite the statement of Ash-Shawkānī, there are rulings which are based upon the differences of the Diyār, the most important of which are the rulings of Hijrah and Jihād. And from these rulings:

1-The Obligation of Hijrah from Dār al-kufr to Dār Al-Islām when there is ability for that, or to Dār Al-Amān – and it is Dār al-kufr which has less Fitnah – if there is no Dār Al-Islām in the world. Like the Hijrah to Al-Habashah was in the beginning of Islām, and like what the condition is today. And we have previously mentioned some of the texts which indicate the obligation of Hijrah. And the rest of the rulings of Hijrah can be reviewed in “Al-Mughnī Wash-Sharh Al-Kabīr”, 10/513-515, and “Nayl Al-Awtār”, 8/176-179. And some rulings branch out from the obligation of Hijrah. From them:

a) The Cessation of the Obligation for a Woman to have a Mahram when traveling to make Hijrah from Dār al-kufr. Equal are whether she is a kāfirah who entered into Islām, or a captive

Muslimah who escaped. So she is allowed to travel from Dār al-kufr without a Mahram if it is impossible. Because the harm of her remaining amongst the kuffār is greater than the harm of her traveling without a Mahram. So she carried the less of the two harms in order to repel the greater of the two. Look to “Al-Mughnī Ma’ Ash-Sharh Al-Kabīr”, 2/192 and 10/527, and “Fat’h Al-Bārī”, 2/568 and 4/76.

b) And from them is that the Woman who makes Hijrah; if she was a kāfirah who entered Islām, and her husband is a kāfir in Dār Al-Harb her ‘Iddah is one menstruation. And she is allowed to marry a Muslim after it if she wishes. And its evidence is the Hadīth of ‘Abdullāh Ibn ‘Abbās, “And if a woman from the People of Harb made Hijrah, she would not be approached for marriage until she would menstruate and become pure. Then if she became pure, marriage was allowed for her. But if her husband made Hijrah before she was married, she was returned to him.” The Hadīth. Narrated by Al-Bukhārī, #5286. And this is an explanation of His, Ta’ālā’s, statement,

امْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَتَأْتِيَهُنَّ أَجُورَهُنَّ أَلَا هُنَّ حَلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَأَتَوْهُنَّ مَا أَنْفَقُوا وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا

O you who Believe! When believing women come to you as emigrants, examine them, Allāh knows best as to their Faith, then if you ascertain that they are true believers, send them not back to the disbelievers, they are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them. But give the disbelievers that (amount of money) which they have spent [as their Mahr] to them. And there will be no sin on you to marry them if you have paid their Mahr to them. Al-Mumtahinah, 10

And look to “Ahkām Ahl Ath-Thimmah” by Ibn Al-Qayyim, 1/339 and 365.

c) And from them is that if some of the slaves of the kuffār enter into Islām and make Hijrah, then they become free. And they own whatever they leave Dār Al-Harb with from the wealth of the People of Harb. And it is in the aforementioned Hadīth of Ibn ‘Abbās. “And if a slave or slave girl from them makes Hijrah, then they are both free, and for them both is that which is for the Muhājirīn.” The Hadīth. And an example of it is when the Companion Abū Bakrah Naft’ Ibn Al-Hārith fled from the fort of At-Tā’if during the Prophet, ﷺ’s siege of it after the Battle of Hunayn. So Abū Bakrah descended from the fort using a pulley, so he was named with that. 1 And his story is in Al-Bukhārī in the Battle of At-Tā’if. And the issue is mentioned In “Nayl Al-Awtār”, 8/157 and in “As-Siyar Al-Kabīr” by Muhammad Ibn Al-Hasan, 5/2286 and what follows.

d) And from them is that it is forbidden for a Muslim to travel to Dār Al-Harb and take up residence in it without a necessity, because Hijrah is obligatory upon whoever enters Islām inside of it. So the Muslim does not travel to it to begin with, except for the necessity of trade or treatment, and the likes of that. He, Ta’ālā, said about those who took up residence amongst the kuffār,

أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءَتْ مَصِيرًا

“Was not the earth of Allāh spacious enough for you to emigrate therein?” Such men will find their abode in Hell - What an evil destination! An-Nisā’, 97

And taking up residence amongst the kuffār is from the greatest causes of Fitnah in the Religion. And Ibn Taymiyyah had a long discussion in “Iqtidhā’ As-Sirāt Al-Mustaqīm”, in clarifying the harm of mixing with the kuffār and that this leads to imitating them, taking their manners outwardly and inwardly. And some of the ‘Ulamā’ have taken the opinion of the kufr of those who are determined to reside in Dār al-kufr, due to his acceptance of the implementation of the laws of the kuffār over him voluntarily. So this is a voluntary seeking of judgment from him to the tāghūt. And due to this, whoever finds it necessary to travel to these countries must be determined to not live there and to keep his base intention to leave it whenever that is made easy for him. And the trial has become widespread in traveling to the countries of the original kuffār, like Europe and America, in this time for other than necessity, except for increasing in the worldly goods. And residing amongst the Muslims in the Diyār of riddah like the Arab countries and those called Islāmic, is better than the Diyār of original kufr, even if they are all Diyār kufr, but some even is less severe than some. And from the greatest causes of the continuous secular tradition in the countries of the Muslims is the overpowering by those who studied in the Western countries. And they took these characteristics to the important positions in the countries of the Muslims, such as politics, the economy, education and media.

1-Trans. Note: Bakarrah is the Arabic word for pulley.

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Ahkām Ad-Diyār: Point of Benefit- The Secondary Categories of Dār al-Islām

Posted by tibyan at [01:31](#)

Point of Benefit: The Secondary Categories of Dār Al-Islām

Shaykh Abdul-Qādir Bin Abdil-Azīz

At-Tibyān Publications

Occasionally, specific terminologies are used in the books of the People of Knowledge concerning secondary categories of Dār Al-Islām, such as:

1-Dār Al-Baghī: And it is if a country is taken over by rebels within Dār Al-Islām, and they rule in it on their own. The opposite of it is Dār Al-'Adl, and it is that which is under the control of the Imām of the Muslims.

2-Dār Al-Fisq: And it is if Fisq has become widespread within a country in Dār Al-Islām. Ash-Shawkānī stated, “And Ja'far Ibn Mubash'shir and some of the Hāduwiyyah 1 were of the opinion of the obligation of Hijrah from Dār Al-Fisq, out of Qiyās upon Dār al-kufr. And it is Qiyās with a differentiator, and the truth is that it is not obligatory from Dār Al-Fisq, because it is Dār Al-Islām.” “Nayl Al-Awtār”, 8/179. I say: But it is Mustahabb to leave the country in which Fisq is widespread, like in the Hadīth of the one who killed a hundred, and in it, the 'Ālim informed him that from that which would assist him in repentance was traveling from his country, which he described as a land of badness, and to go to a country in which there is a Righteous People with whom he may worship Allāh. 2

3-Dār Ahl Ath-Thimmah: This is different than as Dār Al-'Ahd and Dār As-Sulh, as these are from the categories of Dār al-kufr. As for Dār Ahl Ath-Thimmah then it is from Dār Al-Islām, as Khaybar was after the Muslims conquered it in the time of the Prophet, مجلس و هيلع لدا يلص. And the description of Dār Ahl Ath-Thimmah is as Muhammad Ibn Hasan Ash-Shaybānī, may Allāh be merciful to him, said, “And if the Amīr of the army surrounds the people of a city from the cities of the enemy, then some of them say, ‘We will become Muslim.’ And some of them say, ‘We will become Thimmah, and we will not leave our homes.’ Then if the Muslims are able to place with them one from the Muslims who is able to fight those who come to them from the People of War, and to rule them with the Laws of Islām, then the Amīr does that.” Then the Shārih As-Sarkhasī said, “Because the implementation of the Laws of Islām in their Dār is possible, and the Dār becomes the Dār of the Muslims by the implementation of the Laws of the Muslims. So the Imām makes it Dār Al-Islām, and he makes the people Ahl Ath-Thimmah.” “As-Siyar Al-Kabīr”, Vol. 5/2196-2197. This, and the point of mentioning these categories is to define them for the student if he reads them in the Books of Knowledge.

1-Trans. Note: Al-Hāduwiyyah are a group from the groups of the Zaydiyyah. They are attributed to Al-Hādī Yahyā Ibn Al-Husayn who founded the Hāduwiyyah Math'hab. They believe the same beliefs as the Zaydiyyah, and when this phrase is used, it generally refers to the Fiqhī Math'hab of this group.

2-Trans. Note: From Abū Sa'īd Al-Khudrī, may Allāh be pleased with him, that the Prophet of Allāh, مجلس ال هيلع, said, “There was amongst those who were before you, a man who killed ninety-nine people. So he asked about the most knowledgeable of the people of the Earth, so he was directed to a monk. So he came to him, then said that he killed ninety-nine people, so does he have any (chance for) repentance? So he said, ‘No.’ So he killed him, so he completed with him one hundred. Then he asked about the most knowledgeable people of the Earth, so he was

directed to a scholarly man. So he told him that he killed one hundred people, so does he have any (chance for) repentance? He said, ‘Yes.’ And who would stand between him and between repentance? ‘Go to the land of such and such, as there are people within it who worship Allāh. So worship Allāh with them, and do not return to your land, as it is a land of evil.’ So he went until he was at the middle of the path, death came to him. So the Angels of Mercy and the Angels of Punishment disputed in his regards. So the Angels of Mercy said, ‘He came repenting, coming towards Allāh with his heart.’ And the Angels of Punishment said, ‘Verily he did not do any good at all.’ Then an Angel came to them in the form of human, so they made him (a judge) between them. So he said, ‘Measure between the two lands, then whichever of the two he is closer to, then he belongs to it.’ So they measured him, then they found him closer to the land which he wanted, so the Angels of Mercy seized him.” Qatādah said, “Then Al-Hasan said, ‘It was mentioned to us that when death came to him, he leaned (forward) with his chest.’” Agreed upon, and this is the phrasing of Muslim.

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Ahkām Ad-Diyār: Point of Benefit- The Secondary Categories of Dār al-Kufr

Posted by tibyan at [01:30](#)

Point of Benefit: The Secondary Categories of Dār al-Kufr

Shaykh Abdul-Qādir Bin Abdil-Azīz

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Dār al-kufr is divided into numerous categories in more than one categorization, and the all encompassing label for the is Dār al-kufr or Dār ash-shirk: And its categories are:

1-From the point of view of whether kufr was originally there or if it is foreign, it is divided into:

a) Dār al-kufr Al-Aslī: And it is that which was never Dār Al-Islām at any time, such as Japan, Eastern China, England, the continents of North America, South America, and Australia.

b) Dār al-kufr At-Tāri’: And it is that which was Dār Al-Islām at one point but was then conquered by original kuffār, such as Al-Andalus (Spain and Portugal), Palestine, and the Eastern European countries that were under the rule of the ‘Uthmānī State, such as Romania, Bulgaria, Yugoslavia, Greece and Albania.

c) Dār ar-riddah: And it is a branch of Dār al-kufr At-Tāri’, and it is that which was Dār Al-Islām at one point, but then was taken over by murtaddūn, and they implemented the laws of the kuffār within it, like the countries to that are labeled Islāmic, and from them are the Arab states. And the majority of these states past through the stage where they were Dār kufr Tāri’ when the colonial crusaders conquered them and subjected them to the fabricated laws, then they left them

and the apostates ruled them after them from the people of the countries. And there are some differences in the Fiqhī rulings between Dār al-kufr (At-Tāri') and Dār ar-riddah, which Al-Māwardī mentioned, in his book "Al-Ahkām As-Sultāniyyah" pg. 57, pub. Al-Halabī.

And I make notice here (to the fact) that I often refer to these countries in my writings as the countries of the Muslims, and that is looking to the majority of its population. And this description is not interchangeable with the terminology "Dār Al-Islām", rather they are Diyār kufr and riddah. And Jihād against its disbelieving rulers is Fardh 'Ayn upon its Muslim population, as we clarified in more than one area.

2-And from the point of view of its relationship with Dār Al-Islām, Dār al-kufr is divided into:
a) Dār Al-Harb: And it is that which has no Sulh or Hudnah between it and Dār Al-Islām. And it is not a condition that actual war being waged in order for this label to be correct, rather it is sufficient that there is no Sulh, meaning that it is allowed for the Muslims to fight the people of these states whenever they want/ And from here it was labeled Dār Harb.

b) Dār Al-'Ahd: And it is that which there is a Muwāda'ah, Sulh and Hudnah between it and Dār Al-Islām, like Makkah between Sulh Al-Hudaybiyah and Fat'h Makkah – 6-8 H. And this is not allowed to have Muwāda'ah with the kuffār upon a Sulh and abandoning war except by looking at the benefit to the Muslims, like if there is a weakness in them. Due to His, Ta'ālā's, statement,
فَلَا تَهِنُوا وَتَدْعُوا إِلَى السَّلَامِ وَأَنْتُمْ الْأَعْلَوْنَ

So be not weak and ask not for peace, while you are having the upper hand. – Muhammad, 35.

And that is because Allāh obligated fighting the kuffār upon us, until the religion is all of or Allāh. And He did not obligate having peace and forming treaties with them upon us, except when we are in need of that. He, Ta'ālā, stated,

لُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ فَهَرَبُوا
...then kill the mushrikīn wherever you find them... – At-Tawbah, 5

And He, Ta'ālā, stated,

وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةً وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ
And fight them until there is no more Fitnah and the religion will all be for Allāh... – Al-Anfāl,

Look to "Al-Mughnī Ma' Ash-Sharh Al-Kabīr", 10/517, and "As-Siyar Al-Kabīr" by Muhammad Ibn Al-Hasan, 5/1689. And it is not allowed for anyone to contract the Hudnah except for the Imām of the Muslims or his deputy. And looking at the absence of this Imām in this time of ours, then there is no consideration to any international treaties which the disbelieving rulers contract, due to them being formed by those who do not have Shar'ī authority

upon the Muslims, so their presence is like their absence, as the absent in ruling is like the absent in reality.

3-And from the point of view of the security of the Muslim upon his self within it, Dār al-kufr is divided into:

a) Dār Al-Amn: And it is that in which a Muslim is secure with regards to his self, like Al-Habashah in the beginning of Islām when the Sahābah made Hijrah to it fleeing the attacks mushrikīn of Makkah.

b) Dār Al-Fitnah: And it is that in which a Muslim is not secure with regards to his self, like Makkah in the beginning of Islām, and like the majority of the states of riddah today.

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Ahkām Ad-Diyār: Verification of the Cause for the Ruling Upon the Dār

Posted by tibyan at [01:27](#)

Verification of the Cause for the Ruling Upon the Dār

Shaykh Abdul-Qādir Bin Abdil-Azīz

At-Tibyān Publications

Shaykh Muhammad Al-Amīn Ash-Shanqītī stated, “Tanqīh (Verification) linguistically is to polish and purify. So the meaning of verifying the cause for the ruling is polishing and purifying the ‘Illah by removing that which is not worthy of being a cause and considering that which is worthy from it.” “Muthakkiratu Usūl Al-Fiqh”, page 292.

And some have made mistakes in this area, so they assumed that many Muslims residing in some countries while being safe and having the ability to openly display the outward symbols of their Religion like the Athān, Salāt, Fasting, and other that them is sufficient in considering the

country to be Dār Islām, to the point that some stated: How can you say that such and such country is Dār kufr while there are over a thousand Masājīd in its capital? And there is no consideration for all of this, and we clarified that the cause for the ruling upon the Dār is the hand of control and the laws implemented in it. And there is no consideration given to any other descriptions when judging upon the Dār. And from the descriptions that must be removed in this area, out of verifying the cause for the ruling, is what follows:

1-There is no entering of the religion of the majority of the population in ruling upon the Dār

And its evidence is that Khaybar was populated by Jews, then when the Prophet, ﷺ, came to it, he found it in the hand of the Jews, and he sent an Amīr over them from the Ansār – Hadīth 4248 in Al-Bukhārī – and he sent an Amīr over them from the Ansār – Hadīth 4246 in Al-Bukhārī. So the majority of its people were jews, until ‘Umar Ibn Al-Khattāb, may Allāh be pleased with him, expelled them during his Khilāfah. And this did not prevent Khaybar from being from Dār Al-Islām, due to it being in the grasp of the Muslims, (and) their rulings being implemented in it. And regarding this, Ibn Hazm stated, “And the saying of the Messenger of Allāh, ﷺ, ‘I am disavowed from every Muslim who lives amongst the mushrikīn.’ clarifies that which we said, and that he, ﷺ, only intended Dār Al-Harb by that. Because he, ﷺ, used his workers over Khaybar, and they were all Jews. And if the People of Thimmah are in their cities, (and) no one besides them mixes with them, then the one living amongst them for Imārah or for trade with them is not called a kāfir, nor someone who is performing something wrong. Rather, he is a Muhsin Muslim, and their state is Dār Islām, not Dār Shirk, because the Dār is only attributed to the one who is in control of it, the one who rules it and the one who owns it.” “Al-Muhallā”, Vol. 11/200. And Abul-Qāsim Ar-Rāfi‘ī Ash-Shāfi‘ī said, “And it is not from the conditions of Dār Al-Islām that there be Muslims within it, rather it is sufficient that it is in the hand of the Imām, and his Islām.” “Fat’h Al-‘Azīz Sharh Al-Wajīz”, by Ar-Rāfi‘ī, Vol. 8/14.

2-And there is no entering of the openness of the symbols of Islām and kufr in judging upon the Dār

As the Messenger of Allāh, ﷺ, openly showed the Religion, called to it, openly declared his enmity and disavowal from the mushrikīn and that which they worshiped beside Allāh, in Makkah. And this was before the Hijrah from Makkah. And likewise, some of the Sahābah used to openly show the Salāt and recitation of the Qur’ān. And Makkah did not become Dār Islām by this. Rather, the Muslims made Hijrah from it, as the control in it was for the kuffār. And this is from that which shows the mistake of Al-Māwardī, may Allāh be merciful to him, in his statement, “If he is able to openly display the Religion in a country from the countries of kufr, then with that, the country becomes Dār Islām. So taking up residence in it is better than journeying away from it, due to what is hoped in that from others entering into Islām.” “Fat’h Al-Bārī”, Vol. 7/229. And Ash-Shawkānī narrated these words and refuted them, saying, “And not hidden is what is present in this opinion from clashing with the Ahādīth of the chapter, which rule with the forbiddance of taking up residence in Dār Al-Kufr.” “Nayl Al-Awtār”, Vol. 8/178.

And vice-versa, as some kuffār – like the People of Thimmah – living in Dār Al-Islām and

openly showing the symbols of their religion does not make it Dār kufr, as the openly showing of the symbols of kufr is not by the force of the kuffār, rather by the permission of the Muslims.

So there is no entering of the open display of symbols in ruling upon the Dār, as Ash-Shawkānī stated, “The consideration is for the dominance of the word. So if the commands and the forbiddances in the Dār are for the People of Islām, in that those who are in it from the kuffār are not able to openly display their kufr except due to them being given permission for that from the People of Islām, then this is Dār Islām. And the apparentness of the attributes of kufr in it does not harm (the ruling), because they were not apparent through the strength of the kuffār, nor with their power, as is seen with the People of Thimmah from the Jews and the Christians and the People of ‘Ahd who live in the Islāmic cities. And if the matter is opposite, then the Dār is opposite.” “As-Sayl Al-Jarrār”, Vol. 4/575

3-And there is no entering of the security of some of the residents in judging upon the Dār.

As the kuffār from the People of Thimmah are secure in Dār Al-Islām, and this does not stop it from being Dār Al-Islām. And the Muslims who made Hijrah to Al-Habashah, were safe, and it was Dār kufr. And the Muslims were safe with the Prophet, ﷺ, regarding their selves, in Makkah, for the period of their covenant – from the Sulh of Hdaybiyah, until Fat’h Makkah – to the point that they performed the ‘Umrah of Qadhā’ during it. This security did not prevent the fact that Makkah remained Dār kufr until its conquering. As the Messenger of Allāh, ﷺ, said, “There is no Hijrah after Al-Fat’h.” And he did not say that there was no Hijrah after the Sulh. So it clarifies that the cause which changed the ruling of the Dār was the control and not the security alone.

This is what concerns the verification of the cause for the ruling and the knowledge of the cause for the ruling upon the Dār. And from it you know that the countries which most of its people are Muslims, but are ruled by apostate rulers with the laws of the kuffār with the fabricated laws, today they are Diyār kufr, even if most of its people are Muslims who perform the symbols of their Religion, like the establishment of the Jumu’ahs, the congregational prayers, etc. In safety. So they are Diyār kufr because the control and rulings in it are for the kuffār. As for the Muslims openly showing the symbols of their Religion, then this does not return to the force of the Muslims, but it is due it being permitted by the disbelieving ruler. And if he wanted to switch their security to fear and tribulation through his force and his soldiers, then he would do that, as it is the state in many of the countries today, under the title of “Waging war on terror and religious extremism.”

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Ahkām Ad-Diyār: Definition of Dār Al-Islām and Dār Al-Kufr

Posted by tibyan at [01:26](#)

Definition of Dār Al-Islām and Dār Al-Kufr

Shaykh Abdul-Qādir Bin Abdil-Azīz

At-Tibyān Publications

The Third Issue: Definition of Dār Al-Islām and Dār Al-Kufr

Imām Ibn Al-Qayyim, may Allāh be merciful to him, stated, “The majority have stated that Dār Al-Islām is that which the Muslims have arrived in and upon which the rulings of Islām have been implemented. And that upon which the rulings of Islām have not been implemented is not Dār Al-Islām, even if it is attached to it. As this At-Tā’if was very close to Makkah, yet it did not become Dār Al-Islām with the Conquest of Makkah.” “Ahkām Ahl Ath-Thimmah”, by Ibn Al-Qayyim, Vol. 1/366, Pub. “Dār Al-’Ilm Lil-Malāyīn”, 1983

Imām As-Sarkhasī Al-Hanafī said, “According to Abū Hanīfah, may Allāh, Ta’ālā, have mercy on him, their state only becomes Dār Al-Harb with three conditions, The first of them: That it is neighbouring the land of the Turks, (and) there is no state of the Muslims between it and Dār Al-Harb. And the second: That no Muslim remains in it who is secure with his Īmān nor any Thimmī secure with his Amān. And the third: That they display the rulings of shirk within it. And from Abū Yūsuf and Muhammad, may Allāh, Ta’ālā, be merciful to them both, if they show the rulings of shirk within it, then their state has become a Dār of Harb, because the area is only attributed to us or to them through consideration of the strength and the control, so every place in which the ruling of shirk is apparent, then the strength in that place is for the mushrikīn so it is a Dār of Harb. And every place in which what is apparent is the ruling of Islām, then the strength is for the Muslims.” “Al-Mabsūt” by As-Sarkhasī, Vol. 10/114, Pub. “Dār Al-Ma’rifah”. So the two companions (of Abū Hanīfah) made the cause (of the ruling) to be the control and the rulings.

And the ‘Ulamā’ did not consider the conditions which Abū Hanīfah, may Allāh be merciful to him, mentioned, to the point that his two companions; Al-Qādhī Abū Yūsuf and Muhammad Ibn Al-Hasan Ash-Shaybānī, contradicted him, as As-Sarkhasī mentioned. And it was also mentioned by ‘Alā’ Ad-Dīn Al-Kāsānī, and he accounted for their saying with his statement, “Verily, every state is attributed, either to Islām or to kufr. And the state is only attributed to Islām if its rulings are implemented in it, and it is attributed to kufr if its rulings are implemented in it. Just as you say that Jannah is the abode of peace, and the Fire is the abode of ruin, due to the presence of flawlessness in Jannah and ruin in the Fire. And because the dominance of Islām or kufr is through the dominance of their rulings.” “Badā’i’ As-Sanā’i’”, by Al-Kāsānī, Vol. 9/4375, Pub. Zakariyyā ‘Alī Yūsuf. So Al-Kāsānī made the cause of the ruling upon the Dār to

be the type of rulings implemented in it.

And Ibn Qudāmah refuted the conditions of Abū Hanīfah, as he said, “And whenever the people of a country apostatize and their rulings are implemented in it, then they become a Dār of Harb concerning taking their wealth as Ghanīmah and taking their offspring which were born after the apostasy, as slaves. And it is upon the Imām to fight them, as Abū Bakr As-Siddīq, may Allāh be pleased with him, fought the people of apostasy with the Jamā’ah of the Sahābah. And because Allāh, Ta’ālā, ordered the fighting of the disbelievers in (many) places in His Book, and those ones are the most deserving of them to be fought. Because leaving them might tempt the likes of them to imitate them and apostatize with them, then the harm will become great through them. And if he fights them, then whoever is captured is killed, those of them who flee are pursued, their injured are finished off, and their wealth is taken as Ghanīmah, and this was the opinion of Ash-Shāfi’ī. And Abū Hanīfah said, ‘It does not become a Dār of Harb until three things are joined in it: That it neighbours Dār Al-Harb (and) there is nothing between them both from Dār Al-Islām. The second: That no Muslim or Thimmī remains secure in it. The third: That their rulings are implemented in it.’” Ibn Qudāmah said, “And with us, that it is the Dār of kuffār in which there are their rulings, so it is a Dār of Harb.” “Al-Mughnī Wash-Sharh Al-Kabīr”, Vol. 10/95. So Ibn Qudāmah made the cause for the ruling upon the Dār to be the type of rulings that are implemented in it.

And Imām As-Sarkhasī Al-Hanafī said in his Sharh of the book “As-Siyar Al-Kabīr”, “And the state becomes the Dār of the Muslims by the implementation of the rulings of Islām.” Vol. 5/2197

And for Al-Qādhī Abī Ya’lā Al-Hanbalī, “Every state in which the control is for the rulings of kufr instead of the rulings of Islām, then it is Dār Al-Kufr.” “Al-Mu’tamad Fī Usūl Ad-Dīn”, by Abū Ya’lā pg. 276, Pub. “Dār Al-Mashriq” in Bayrūt, 1974. And ‘Abdul-Qāhir Al-Baghdādī has likewise in “Usūl Ad-Dīn” by him, pg. 270, Pub. “Dār Al-Kutub Al-’Ilmiyyah”, 2nd Edition.

And Shaykh Mansūr Al-Bahūtī said, “And Hijrah is obligatory upon whoever is unable to openly display his religion in Dār Al-Harb, and it is that in which the control is for the rulings of kufr.” “Kash’shāf Al-Qinā’”, by him, Vol. 3/43.